

REMARKS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed December 28, 2007. Currently, claims 22-36 remain pending. Claims 31-34 and 36 have been withdrawn subsequent an Examiner imposed restriction. Claims 22-30 and 35 have been rejected. With this paper, claims 22 and 35 have been amended, and claim 29 has been cancelled. Support for the amendments may be found in the specification, claims and drawings as filed. No new matter has been added. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections under 35 U.S.C. § 112

Claims 22-30 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as the invention. Applicants respectfully traverse the rejection.

The Examiner states that the location of the guidewire lumen and the inflation lumen in claim 22 is not clear. The limitation “a guidewire lumen defined therein, and an inflation lumen defined therein,” has been amended to recite, “a guidewire lumen defined therethrough, and an inflation lumen defined therethrough.” Applicants believe that this amendment clarifies the location of the lumens. Withdrawal of the rejection is respectfully requested.

The Examiner states that the limitation “a closed plane figure” as recited in claim 23 is indefinite. Claim 23 has been cancelled without prejudice.

The Examiner states that the limitation “releasably attached” as recited in claim 29 is indefinite. The Examiner asserts that it is not clear what structure is needed to releasably attach the seal to the flange region. Claim 29 has been cancelled and the limitation “releasably attached” has been included in claim 22. The specification discloses several methods in which the seal may be releasably attached and also discloses subsequent removal of said seal. For example, page 7, lines 11-12 disclose, “The seal can include adhesive which bonds the seal to the flange when placed in contact.” Subsequently, removal of the seal is discussed at page 17 lines 8-9 as follows, “After the lumen is filled, seal 240 can be removed to facilitate attachment of another inflation device.” Applicants respectfully assert that the term “releasably attached” is adequately characterized and understood by those of skill in the art as possessing the ability to be

removed following attachment in ordinary use without irreparably damaging the catheter. Applicant respectfully requests allowance of this term in the claims.

Claim Rejections under 35 U.S.C. § 103

Claims 22-29 and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson et al. (U.S. Patent No. 5,637,086) in view of Foley (U.S. Patent No. 3,409,016). Applicants respectfully traverse the rejection.

Independent claim 22 has been amended to include the limitation, “a seal member releasably attached to the flanged end and covering the opening.” Claim 35 has also been amended to include a seal releasably attached to the flange end. Ferguson et al. do not disclose a seal member attached to the flanged end and covering the opening. The Examiner relies on Foley to provide this element. In formulating the rejection, the Examiner asserts, “Foley in col. 3, lines [sic] 71 and 72 teaches the seal is a plug and plug known in the art is releasably attached to a port. Thus, the seal of Foley can be releasably attached to the flanged region.” However, Foley does not disclose a seal that is releasably attached. M.P.E.P. §2112(IV) states, “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” Foley discloses at column 4, lines 14-16, “Following bag inflation the needle is withdrawn through the self-sealing plug and the cartridge is discarded whereupon the catheter is self-retained in the bladder.” The seal of Foley must be in place the entire time the catheter is in use, as the seal is retaining the fluid that holds the catheter in place. This is contrary to the present invention wherein, “After the lumen is filled, seal 240 can be removed to facilitate attachment of another inflation device.” Thus, Foley does not teach a seal that is releasably attached.

For at least the reasons set forth above, Ferguson et al. do not teach each and every element of independent claims 22 and 35. Foley does not teach what Ferguson et al. lack. Thus, even if one were to combine Ferguson et al. and Foley, one would not arrive at the device as claimed. Furthermore, there is no motivation for one of ordinary skill in the art to modify Ferguson et al. or Foley to achieve the device as claimed. Reconsideration and withdrawal of the rejection are respectfully requested. Applicants submit that claims 23-29 are also in condition for allowance as they depend from claim 22 and add significant limitations to further distinguish them from the prior art.

Claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson et al. (U.S. Patent No. 5,637,086) in view of Foley (U.S. Patent No. 3,409,016) and in view of Walker (U.S. Patent No. 5,322,513). Applicants respectfully traverse the rejection.

For at least the reasons set forth above, Ferguson et al. do not teach each and every element of independent claim 22. Foley and Walker do not teach what Ferguson et al. lack. Thus, even if one were to combine Ferguson et al. and Foley and Walker, one would not arrive at the device as claimed. Furthermore, there is no motivation for one of ordinary skill in the art to modify Ferguson et al., Foley, or Walker to achieve the device as claimed. Applicants submit that claim 30 is in condition for allowance as it depends from claim 22 and adds significant limitations to further distinguish it from the prior art. Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

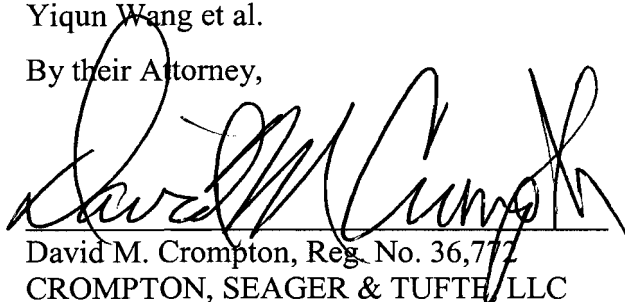
Respectfully submitted,

Yiqun Wang et al.

By their Attorney,

Date: _____

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